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REMARKS/ARGUMENTS

Claims 1-3, 5, 9, 10, and 12-18 are pending in this Application. By this amendment, Applicant amends claims 2, 10, 14 and 16.

Claims 2, 3, 9, 10, 12 and 16-18 were objected to for containing various minor informalities. Applicant notes that although the Examiner listed claims 2, 3, 9, 10, 12 and 16-18 in this objection, the Examiner only identified minor informalities contained in claims 2, 10, 14 and 16. Thus, it appears that the Examiner intended to object to only claims 2, 10, 14 and 16, instead of claims 2, 3, 9, 10, 12 and 16-18. Applicant has amended claims 2, 10, 14 and 16 to correct the minor informalities noted by the Examiner. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection.

The Examiner alleged that "[t]his application contains claims 5, and 13-15, drawn to an invention nonelected with traverse in Paper No. 01-17-02. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate actions (37 CFR 1.144)." Applicant respectfully disagrees.

Claims 5 and 13-15 are directed to a nonelected species, **NOT** to a nonelected invention as alleged by the Examiner. Since claims 5 and 13-15 depend upon generic claim 1, the Examiner **MUST** rejoin and allow claims 5 and 13-15 when generic claim 1 is allowed. Accordingly, Applicant has **not** canceled claims 5 and 13-15 and respectfully requests that the Examiner rejoin and allow claims 5 and 13-15 along with generic claim 1.

Claims 1-3, 9, 10, 12 and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in combination with Franssila et al. ("Etching through silicon wafer in inductively coupled plasma", Microsystems Technologies, April 2000 (2000-04), pp. 141-144, col. 6, no. 4).

In accordance with MPEP § 201.15, Applicant encloses herewith certified English translations of the Japanese Priority Applications, JP 11-111298 and JP 2000-026139, and statements that the certified English translations are accurate. Thus, Applicant

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respectfully submits that Franssila et al. does not qualify as prior art under 35 U.S.C. § 102(a) because the publication date of April 2000 of Franssila et al. is after the filing dates of April 19, 1999 and February 3, 2000 of JP 11-111298 and JP 2000-026139, respectively, from which the present application claims priority.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-3, 9, 10, 12 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Franssila et al.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-3, 9, 10, 12 and 16-18 are allowable. In addition, as noted above, since non-elected claims 5 and 13-15 are dependent upon generic claim 1, Applicant respectfully requests that the Examiner rejoin and allow non-elected claims 5 and 13-15 along with generic claim 1.


In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a THREE-month extension of time, extending to August 4, 2005, the period for response to the Office Action dated February 4, 2005.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,



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